

IN RE:	§	
LARRY A. BAREFIELD	§	
xxx-xx-1029	§	CASE NO. 10-10286
RT. 4, BOX 648	§	
JASPER, TX 75951	§	CHAPTER 13
	§	
SAMMYE D. BAREFIELD	§	
xxx-xx-7573	§	
	§	
DEBTORS	§	
	§	

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS AN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-EIGHT (28) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

I.

2. Thus, the Debtors propose this modification to pay \$3,859.38 per month for 8 months then \$5,210.00 per month for 52 months in order to fully fund their Chapter 13 Plan.

3. That the modification proposed by the Debtors will not modify the rights of the holder of any claims being dealt with under the plan, except reduce the unsecured creditors.

II.

Debtors propose the Post-Confirmation Chapter 13 Plan attached hereto as Exhibit "A".

BARRON & BARRON, L.L.P.

P.O 1347

Nederland, Texas 77627

Phone: (409) 727-0073

Bar Number: 01820800

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

IN RE: **Larry A. Barefield**
xxx-xx-1029
Sammye D. Barefield
xxx-xx-7573
Debtor(s)

\$
\$
\$
\$
\$

CASE NO **10-10286**CHAPTER **13**

**POST-CONFIRMATION
MODIFIED CHAPTER 13 PLAN**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE OF SAID COURT:

COME NOW, Larry A. Barefield and Sammye D. Barefield, Debtors herein, and propose the following plan under Chapter 13 of the Bankruptcy Code:

- The debts of DEBTOR(S) duly proved and allowed shall be paid to the holder thereof in accordance with the provisions of Chapter 13 of the Bankruptcy Code and this Plan.
- The future earnings of DEBTOR(S) are submitted to the supervision and control of this Court, and DEBTOR(S) shall pay to the TRUSTEE a VARIABLE amount each month. Please refer to EXHIBIT "B" for a VARIABLE payment schedule. Payments shall commence on June 4, 2010 and shall continue at the intervals and in the amounts indicated on EXHIBIT "B".
- From the payments received, the TRUSTEE will make disbursements in the following order:

- (a). **Administrative Expenses:** The TRUSTEE shall FIRST pay the expenses as prescribed by the Court, for administration of this plan.

Name of Creditor	Type	Amount	Interest Rate	Monthly Payment	Term	Total Paid
Barron & Barron, L.L.P.	Attorney Fees	\$2,500.00	0%	First Funds		\$2,500.00

- (b). **Priority Claims:** All Claims entitled to priority under Section 507 of the Bankruptcy Code will be paid as follows:

Name of Creditor	Claim Amount	Amount Entitled To Priority	Interest Rate	Monthly Payment	Term	Total Paid
IRS	\$122,685.61	\$122,685.61	0%	\$2,044.76 Avg.	1-60	\$122,685.61
Texas Workforce Commission	\$413.15	\$413.15	0%	\$1.59	1-60	\$413.15

- (c). **Secured Claims:** Secured creditors, whose claims are duly and timely filed, approved and allowed will be treated as follows:

- Pursuant to 11 U.S.C. § 1325(a)(5)(B)(i) the holder of any allowed secured claim shall retain its lien securing the underlying debt until the earlier of the payment of the underlying debt as determined under nonbankruptcy law or the debtor(s) obtain a discharge under Section 1328 of the Bankruptcy Code.

- (2). **Payment of Secured Claims:** Secured creditors, whose claims are duly and timely filed, approved and allowed, will be paid as follows:

Name of Creditor	Amount Claimed	Principal Amt to Be Paid	Interest Rate	Monthly Payment	Term	Estimated Total Paid
Collateral	Value of Collat.					
Daimler Chrysler 2006 Dodge Ram (VIN 3337)	\$8,432.00 \$7,886.46	\$7,886.46	4.75%	\$157.53 Avg.	1-56	\$8,821.86
Daimler Chrysler 2006 Dodge Ram 1500 (VIN 5415)	\$5,890.49 \$7,675.00	\$5,890.49	4.75%	\$123.58 Avg.	1-53	\$6,549.48

* Variable payments are scheduled, please see Pro Forma, if attached.

Computer software provided by LegalPRO Systems, Inc., San Antonio, Texas (210) 561-5300.

Daimler Chrysler 2006 Dodge Ram (VIN 6982)	\$4,320.17 \$8,775.00	\$4,320.17	4.75%	\$86.28 Avg.	1-56	\$4,831.67
Daimler Chrysler 2006 Dodge Ram	\$10,291.51 \$10,291.51	\$10,291.51	4.75%	\$202.51 Avg.	1-57	\$11,543.29
Education First FCU 2007 Cadillac Escalade	\$43,327.00 \$39,925.00	\$39,925.00	4.75%	\$825.06 Avg.	1-54	\$44,553.15
First Bank and Trust East Texa 2008 Chevy Colorado and 2008 Chevy Colorado	\$23,878.00 \$22,055.00	\$22,055.00	4.75%	\$455.77 Avg.	1-54	\$24,611.67
Kubota Credit 2007 Kubota Tractor M740 with frontloader	\$9,011.76 \$13,000.00	\$9,011.76	4.75%	\$203.17 Avg.	1-49	\$9,955.55
Sheffield Finance 2010 Kawasaki Trex	\$11,997.80 \$10,000.00	\$11,997.80	4.75%	\$247.66 Avg.	1-54	\$13,373.83
Wells Fargo Auto Finance 2007 Chevy 2500 HD	\$19,179.45 \$30,765.00	\$19,179.45	4.75%	\$389.47 Avg.	1-55	\$21,420.64

- (3). **Void Lien:** The secured creditors listed below hold a non-purchase money, non-possessory security interest on Debtor(s) exempt property. Their lien will be voided pursuant to 11 U.S.C. § 522(f) and their claim treated as unsecured and paid pursuant to paragraph (e) below:

Name of Creditor	Collateral Description	Amount of Claim
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- (d). **Special Class:** The following specially classified claims shall be paid as follows:

Name of Creditor	Claim Amount	Principal Amt. To Be Paid	Interest Rate	Monthly Payment	Term	Total Paid
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- (e). **Unsecured Claims:** Unsecured claims will be paid pro rata by the TRUSTEE after payment of the aforementioned categories, to creditors who have duly and timely filed and proved their claim, with the same having been allowed by the Court, with such payments or dividends to be paid in lieu of the debt and in satisfaction of the debts of such creditors.

- (f). No interest, penalty or additional charge shall be allowed on any account subsequent to the filing of the petition herein, except that interest shall be allowed on claims to fully secured creditors in accordance with 11 U.S.C. § 506(b).

4. DEBTOR(S) shall pay direct the following debts outside the Plan:

Name of Creditor	Collateral Description	Monthly Amount	Balance
Chase Home Finance	20 acres @ 279 CR 314, Jasper, TX, 75951		\$52,944.00
Daimler Chrysler	2006 Dodge 1500		\$3,575.00
First Bank and Trust East Texas	19 acres @ 279 CR 314, Jasper, TX, 75951		\$30,000.00
HSBC Retail Services	2008 Kawasaki T-Rex		\$8,095.00

5. The following secured claims are not dealt with in the DEBTOR(S)' plan, therefore, upon confirmation of the DEBTOR(S)' Chapter 13 Plan, the automatic stay provisions of 11 U.S.C. § 362 will be terminated and annulled with respect to each of the following claims:

Name of Creditor	Collateral Description	Claim	Value	Deficiency
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The automatic stay provisions of 11 U.S.C. Sec. 362 remain in effect as to DEBTOR(S).
The remaining portion of the debt (deficiency), if any, shall be treated as any other general unsecured claim under this plan.

6. All executory contracts of the DEBTOR(S) will be assumed unless specifically rejected herein. The following executory contracts and/or leases are ASSUMED or REJECTED as indicated below:

Name of Creditor	Contract is Assumed/Rejected
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7. Upon confirmation of this plan, title of the property of the estate shall vest in DEBTOR(S).
8. The Court may, from time to time, during the period of the plan, extend, increase or reduce the amount of any of the installments provided for by the plan, or extend or shorten the time for any such payments where it shall be made to appear, after such hearing, upon such notice as the Court may designate, that the circumstances of DEBTOR(S) so warrant or so require; provided, however, that nothing in this plan shall be construed to prevent the granting of a discharge of DEBTOR(S) as provided in 11 U.S.C. § 1328.

* Variable payments are scheduled, please see Pro Forma, if attached.

Computer software provided by LegalPRO Systems, Inc., San Antonio, Texas (210) 561-5300.

9. Post-Confirmation Cure or Waiver of Default:

Any default of the DEBTOR'S post-confirmation plan payments may only be WAIVED by compliance with the provisions of 11 U.S.C. § 1329. Any default of post-confirmation plan payments may only be CURED by permission of the Standing Chapter 13 Trustee and compliance with such conditions as the TRUSTEE may impose.

10. Post-Petition Claims:

The DEBTOR(S) will not incur any post-petition consumer debt except after notice to creditors and approval by the Court or the Standing Chapter 13 Trustee. Post-petition claims will be allowed only as specified in 11 U.S.C. § 1305.

11. The Attorneys for DEBTOR(S) will be automatically relieved and released as attorneys of record for DEBTOR(S) upon approval of the plan.

Additional Provisions of the Plan

Trustee's Recommendation Concerning Claims deadline

Notwithstanding any provision herein to the contrary, the deadline for the Trustee to file the Trustee's Recommendation Concerning Claims, as well as the deadline for filing objections to the Trustee's Recommendation Concerning Claims and objections to claims shall be governed by Local Bankruptcy Rule 3015(g).

Tax Refunds-Ned

All future tax refunds which Debtor(s) receive during the term of the plan, starting with the tax refund, if any, to be received for the tax year 2009 shall be turned over to the Trustee within ten (10) days of receipt of such, to the extent said refund exceeds \$ 0.00, and shall be added to the plan base. Whether or not a tax refund is due, debtor shall provide a copy of their tax return to the trustee within ten (10) days of filing such during the term of the plan.

Attorney Fees Language--NED

Attorney Fees are to be held in escrow by the Chapter 13 Trustee pending approval of fee application by the Court. If the Fee Application is not filed within thirty (30) days of the approval of the Trustee's TRCC or the first modification order whichever comes later, attorney fees will be reduced to a total of \$3,500.00.

Total Paid Column

The Total Paid Column in the Confirmation Order for secured creditors is an estimate of the Total Amount Paid to that Creditor.

DATED on this the 4th day of January, 2011.

BARRON & BARRON, L.L.P.

/s/ Robert E. Barron

Robert E. Barron

Bar Number: 01820800

P.O 1347

Nederland, Texas 77627

Phone: (409) 727-0073

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

IN RE: **Larry A. Barefield**
Sammye D. Barefield
Debtor(s)

CASE NO **10-10286**

CHAPTER **13**

EXHIBIT "B" - VARIABLE PLAN PAYMENTS

PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)

<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>
1 06/04/2010	\$3,859.38	21 02/04/2012	\$5,210.00	41 10/04/2013	\$5,210.00
2 07/04/2010	\$3,859.38	22 03/04/2012	\$5,210.00	42 11/04/2013	\$5,210.00
3 08/04/2010	\$3,859.38	23 04/04/2012	\$5,210.00	43 12/04/2013	\$5,210.00
4 09/04/2010	\$3,859.38	24 05/04/2012	\$5,210.00	44 01/04/2014	\$5,210.00
5 10/04/2010	\$3,859.38	25 06/04/2012	\$5,210.00	45 02/04/2014	\$5,210.00
6 11/04/2010	\$3,859.38	26 07/04/2012	\$5,210.00	46 03/04/2014	\$5,210.00
7 12/04/2010	\$3,859.38	27 08/04/2012	\$5,210.00	47 04/04/2014	\$5,210.00
8 01/04/2011	\$3,859.38	28 09/04/2012	\$5,210.00	48 05/04/2014	\$5,210.00
9 02/04/2011	\$5,210.00	29 10/04/2012	\$5,210.00	49 06/04/2014	\$5,210.00
10 03/04/2011	\$5,210.00	30 11/04/2012	\$5,210.00	50 07/04/2014	\$5,210.00
11 04/04/2011	\$5,210.00	31 12/04/2012	\$5,210.00	51 08/04/2014	\$5,210.00
12 05/04/2011	\$5,210.00	32 01/04/2013	\$5,210.00	52 09/04/2014	\$5,210.00
13 06/04/2011	\$5,210.00	33 02/04/2013	\$5,210.00	53 10/04/2014	\$5,210.00
14 07/04/2011	\$5,210.00	34 03/04/2013	\$5,210.00	54 11/04/2014	\$5,210.00
15 08/04/2011	\$5,210.00	35 04/04/2013	\$5,210.00	55 12/04/2014	\$5,210.00
16 09/04/2011	\$5,210.00	36 05/04/2013	\$5,210.00	56 01/04/2015	\$5,210.00
17 10/04/2011	\$5,210.00	37 06/04/2013	\$5,210.00	57 02/04/2015	\$5,210.00
18 11/04/2011	\$5,210.00	38 07/04/2013	\$5,210.00	58 03/04/2015	\$5,210.00
19 12/04/2011	\$5,210.00	39 08/04/2013	\$5,210.00	59 04/04/2015	\$5,210.00
20 01/04/2012	\$5,210.00	40 09/04/2013	\$5,210.00	60 05/04/2015	\$5,210.00

WHEREFORE, the Debtors move this Honorable Court, under Bankruptcy Rule 9014, to enter an Order Modifying the Debtors' Chapter 13 Plan as prayed for herein.

DATED: January 4, 2011

Respectfully submitted,

BARRON & BARRON, L.L.P.
P. O. BOX 1347
NEDERLAND, TEXAS 77627
(409) 727-0073

BY: /s/ Robert E. Barron
ROBERT E. BARRON
TBA NO. 01820800

ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Modify Chapter 13 Plan after Confirmation has this January 4, 2011, shall be served via electronic means, if available, otherwise by regular first class mail, to....

Mr. and Mrs. Larry A. Barefield
Rt. 4, Box 648
Jasper, TX 75951

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Tyler, TX 75702

Asst. U.S. Attorney
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Chrysler Financial Services Americas L.L.C.
f/k/a DaimlerChrysler Financial Services Americas L.L.C.
c/o Stephen Wilcox
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Education First FCU
c/o Gary W. Coker
Germer Gertz, L.L.P.
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Nacogdoches, TX 75963

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Brice, Vander Linden & Wernick
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350 Magnolia, Ste. 150
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P.O. Box 829009
Dallas, TX 75382-9009

U.S. Attorney General of the United States
U.S. Department of Justice
10th & Constitution Avenue, NW
Washington, DC 20530

Kubota Credit Corporation
P.O. Box 829009
Dallas, TX 75382-9009

/s/ Robert E. Barron
ROBERT E. BARRON

Label Matrix for local noticing 0540-1 Case 10-10286 Eastern District of Texas Beaumont Tue Jan 4 16:10:24 CST 2011	(p)ADVANTA 700 DRESHER RD HORSHAM PA 19044-2206	Advanta Bank Corp. in receivership of FDIC POB 3001 Malvern, PA 19355-0701
American Express P.O. Box 960012 Orlando, FL 32896-0012	Asst. U.S. Attorney Michael W. Lockhart 350 Magnolia, Suite 150 Beaumont, TX 77701-2254	B&R Electrical Services 279 CR 314 Jasper, TX 75951-6893
Bank of America PO Box 15710 Wilmington, DE 19886-5710	(c)LARRY A. BAREFIELD 279 COUNTY ROAD 314 JASPER TX 75951-6893	(c)SAMMYE D. BAREFIELD 279 COUNTY ROAD 314 JASPER TX 75951-6893
Robert E. Barron P.O. Box 1347 Nederland, TX 77627-1347	Barron & Barron, L.L.P. POB 1347 Nederland, TX 77627-1347	Patti H. Bass Bass & Associates 3936 E. Ft. Lowell Rd. Suite 200 Tucson, AZ 85712-1083
CANDICA L.L.C. C O WEINSTEIN AND RILEY, PS 2001 WESTERN AVENUE, STE 400 SEATTLE, WA 98121-3132	Capital One PO Box 60599 City of Industry, CA 91716-0599	Card Member Service POB 94014 Palatine, IL 60094-4014
Carotex 1500 Intercoastal Dr. Port Arthur, TX 77642-0387	Chase PO Box 94014 Palatine, IL 60094-4014	Chase Home Finance POB 78420 Phoenix, AZ 85062-8420
(p)CHRYSLER FINANCIAL 27777 INKSTER RD FARMINGTON HILLS MI 48334-5326	Chrysler Financial Services Americas L.L.C. c/o Stephen Wilcox PO Box 11509 Fort Worth, TX 76110-0509	Gary W. Coker Germer Gertz, LLP P.O. Box 4915 Beaumont, TX 77704-4915
Community Bank of Texas 5999 Delaware St. Beaumont, TX 77706-7607	Daimler Chrysler P.O. Box 5223 Lisle, IL 60532-5223	Daimler Chrysler POB 9001921 Louisville, KY 40290-1921
Craig R. Denum 11757 Katy Fwy, Ste. 1010 Houston, TX 77079-1762	Education First FCU P.O. Box 26751 Beaumont, TX 77720-6751	Education First Federal Credit Union c/o Gary W. Coker Germer Gertz, L.L.P. P.O. Box 4915 Beaumont, TX 77704-4915
Education First Federal Credit Union P.O Box 26751 Beaumont, TX 77720-6751	Education First Federal Credit Union c/o Gary W. Coker P.O. Box 4915 Beaumont, TX 77704-4915	Elliot Electric Supply Attn: Robert Flores PO Box 630610 Nacogdoches, TX 75963-0610

Elliott Electric Supply, Inc.
PO Box 630610
Nacogdoches, TX 75963-0610

Fia Card Services, NA As Successor In Intere
Bank of America NA and Mbn America Bank
1000 Samoset Drive
DE5-023-03-03
Newark, DE 19713-6000

First Bank & Trust East Texas
C/O Craig R. Denum
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Suite 1010
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First Bank & Trust East Texas
c/o Storey & Denum, P.C.
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First Bank and Trust East Texas
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First Bank and Trust East Texas
275 Gibson
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GE Money Bank
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Orlando, FL 32896-0061

HSBC
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HSBC Bank Nevada, N.A.
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HSBC Bank Nevada, N.A.
by PRA Receivables Management, LLC
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Norfolk VA 23541-0907

HSBC Retail Services
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City of Industry, CA 91716-0107

Hartford Fire Insurance Co.
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Harford, CT 06115

(p)INTERNAL REVENUE SERVICE
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PRA Receivables Management, LLC
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Sheffield Financial/Branch Banking and Trust
Bankruptcy Section/100-50-01-51
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Regulatory Integrity Division - SAU
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Austin TX 78778-0001

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POB 60102
City of Industry, CA 91716-0102

United States Attorney's Office
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Beaumont, TX 77701-2254

University General Hospital 7501 Fannin St., Ste. 600 Houston, TX 77054-1938	Wells Fargo Auto Finance POB 29704 Phoenix, AZ 85038-9704	Wells Fargo Bank, N.A. 13675 Technology Drive, Bldge C, 2nd Floor Eden Prairie, MN 55344-2252
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Stephen G. Wilcox Bassel & Wilcox P.L.L.C. P.O. Box 11509 Fort Worth, TX 76110-0509	eCAST Settlement Corporation, assignee of Chase Bank USA, N.A. POB 29262 New York, NY 10087-9262
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Advanta POB 8088 Philadelphia, PA 19101	Chrysler Financial Services Americas L.L.C. P.O. Box 860 Roanoke, TX 76262 Attn: Kim Miller	(d)Chrysler Financial Services Americas L.L.C P.O. Box 860 Roanoke, TX 76262 Attn: Sean Watripont
IRS P.O. Box 21126 Philadelphia, PA 19144	(d)Internal Revenue Service PO Box 21126 Philadelphia, PA 19114	(d)Internal Revenue Service Centralized Insolvency Operations P.O. Box 21126 Philadelphia, PA 19114

Addresses marked (c) above for the following entity/entities were corrected as required by the USPS Locatable Address Conversion System (LACS).

Larry A. Barefield Rt. 4, Box 648 Jasper, TX 75951	Sammye D. Barefield Rt. 4, Box 648 Jasper, TX 75951
--	---

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)B&R Electrical Services	(d)Kubota Credit Corporation PO BOX 829009 Dallas, TX 75382-9009	End of Label Matrix Mailable recipients 64 Bypassed recipients 2 Total 66
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